

**Amendment No. 1 to SB3178**

**Southerland**  
**Signature of Sponsor**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 3178\***

**House Bill No. 3415**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-53-110, is amended by deleting the present language in its entirety and by substituting instead the following language:

(a) No person directly or indirectly providing information pursuant to § 56-53-109(a) shall be subject to civil liability for any cause of action arising from the person's provision of requested information.

(b) No person directly or indirectly furnishing, disclosing or requesting information pursuant to §§ 56-53-109(b) and (d) shall be subject to civil liability for libel, slander, malicious prosecution, or any other cause of action arising from the furnishing, disclosing or requesting of information, provided the person acted without actual malice when furnishing, disclosing or requesting such information. In no event shall there be a finding of actual malice if:

(1) The person responds to written requests by any state or federal official to provide information pursuant to § 56-53-109(a) or the person responds to written requests by any state or federal official to supplement information originally furnished, disclosed or requested pursuant to § 56-53-109(b); or

(2) The person is required to disclose, furnish or request information pursuant to contract with any governmental entity or other applicable statute; or

(3) Any federal or state official commences a criminal or civil action based upon receiving information in accordance with subdivisions (b)(1) or (b)(2) above.

(c) Any person or entity against whom any action is commenced and who is ultimately found to be immune from liability under this section shall be entitled to recover

reasonable attorneys' fees and costs from the person or party who commenced the action. This section is in addition to and does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

(d) Should any state court, administrative law judge, or arbitrator deny a person's or entity's request to dismiss a course of action based on immunity under this statute, then that person or entity shall be entitled to an immediate appeal as of right to the Tennessee court of appeals. The proceeding from which the appeal is taken shall be immediately stayed pending the resolution of the appeal by the Tennessee court of appeals.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.